

PHILLIP A. TALBERT
United States Attorney
CAMERON L. DESMOND
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELAN MOSHE,

Defendant.

CASE NO. 2:21-CR-00212-TLN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: May 26, 2022
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By this stipulation, defendant now moves to continue the status conference until July 14, 2022, at 9:30 a.m., and to exclude time between May 26, 2022, and July 14, 2022, under Local Code T4.
2. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes multiple reports.
 - b) Counsel for defendant desires additional time to research sentencing guidelines issues, discuss trial strategy and resolution options with his client, conduct independent factual investigation, and otherwise prepare for trial.

///

1 c) Counsel for defendant has state trials, hearings, and preliminary hearings
2 scheduled for June 20, June 22-24, June 27, July 11, which has impacted his ability to review
3 evidence and prepare for trial in this case.

4 d) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence.

7 e) The government does not object to the continuance.

8 f) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of May 26, 2022 to July 14, 2022,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
14 because it results from a continuance granted by the Court at defendant's request on the basis of
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.

17 **[CONTINUED ON NEXT PAGE]**
18
19
20
21
22
23
24
25
26
27
28

3. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 24, 2022

PHILLIP A. TALBERT
United States Attorney

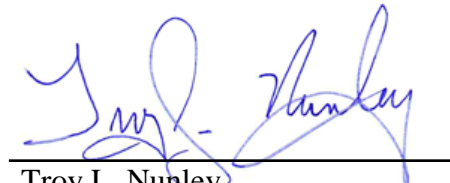
/s/ CAMERON L. DESMOND
CAMERON L. DESMOND
Assistant United States Attorney

Dated: May 24, 2022

/s/ Phil Cozens
Phil Cozens
Counsel for Defendant
ELAN MOSHE

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 24th day of May, 2022.



Troy L. Nunley
United States District Judge